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The *NORTH-CAROLINA* MAGAZINE; OR, UNIVERSAL INTELLIGENCER.

From FRIDAY AUGUST 3, to FRIDAY AUGUST 10, 1764.

Remainder of the ACT *began in our Laſt.*

AND, for the better preventing Frauds in the Importation of foreign Sugars and Paneles, Rum and Spirits, Molaſſes and Syrrups, into any of his Majeſty's Dominions, under Pretence that the ſame are the Growth, Produce, or Manufacture of the Britiſh Colonies, or Plantations, it is further enacted by the Authority aforeſaid, That from and after the 29th Day of September, 1764, every Perſon or Perſons loading on board any Ship or Veſſel, in any of the Britiſh Colonies or Plantations in America, any Rum or Spirits, Sugars or Paneles, Molaſſes or Syrrups, as of the Growth, Product, or Manufacture of any Britiſh Colony or Plantation, ſhall, before the clearing out of the ſaid Ship or Veſſel, produce and deliver to the Collector or other principal Officer of the Cuſtoms at the loading Port, an Affidavit ſigned and ſworn to before ſome Juſtice of the Peace in the ſaid Britiſh Colonies or Plantations, either by the Grower, Maker, or Shipper of ſuch Goods, or his or their known Agent or Factor, expreſſing, in Words at Length, and not in Figures, the Quality of the Goods ſo ſhipped, with the Number and Denomination of the Packages, and deſcribing the Name or Names of the Plantation or Plantations, and the Name of the Colony where the ſame grew or were produced or manufactured; which Affidavit ſhall be atteſted, under the Hand of the ſaid Juſtice of the Peace, to have been ſworn to in his Preſence; who is hereby required to do the ſame without Fee or Reward: And the Collector or other principal Officer of the Cuſtoms to whom ſuch Affidavit ſhall be delivered, ſhall thereupon grant to the Maſter, or other Perſon having the Charge of the Ship or Veſſel, a Certificate under his Hand and Seal of Office, (without Fee or Reward) of his having received ſuch Affidavit purſuant to the Directions of this Act; which Certificate ſhall expreſs the Quality of the Goods ſhipped on board ſuch Ship or Veſſel, with the Number and Denomination of the Packages: And ſuch Collector or other principal Officer of the Cuſtoms, ſhall alſo (without Fee or Reward) within Forty Days after the Sailing of the Ship or Veſſel, tranſmit an exact Copy of the ſaid Affidavit to the Secretary's Office for the reſpective Colony or Plantation where the Goods were ſhipped, on Forfeiture of Five Pounds.

And it is further enacted, That upon the Arrival of ſuch Ship or Veſſel into the Port of her Diſcharge, either in Great-Britain or any other Port of his Majeſty's Dominions, where ſuch Goods may be lawfully imported, the Maſter or other Perſon taking Charge of the Ship or Veſſel, ſhall, at the Time he makes his Report of his Cargo, deliver the ſaid Certificate to the Collector or other principal Officer of the Cuſtoms, and make Oath before him, that the Goods ſo reported are the ſame that are mentioned in the ſaid Certificate, on Forfeiture of 100 l. and if any Rum or Spirits, Sugars or Paneles, Molaſſes or Syrrups, ſhall be imported or found on board any ſuch Ship or Veſſel, for which no ſuch Certificate ſhall be produced, or which ſhall not agree therewith, the ſame ſhall be deemed and taken to be foreign Rum and Spirits, Sugar and Paneles, Molaſſes and Syrrups, and ſhall be liable to the ſame Duties, Reſtrictions, Regulations, Penalties

ties and Forfeitures, in all Reſpects, as Rum, Spirits, Sugars, Paneles, Molaſſes and Syrrups, of the Growth, Produce or Manufacture of any foreign Colony or Plantation, would reſpectively be liable to by Law.

Provided always, That if any Rum or Spirits, Sugars and Paneles, Molaſſes or Syrrups, ſhall be imported into Great-Britain from any British Colony or Plantation in America, without being included in ſuch Certificate as is herein before directed, and it ſhall be made to appear, to the Satisfaction of the Commiſſioners of his Majeſty's Cuſtoms at London or Edinburgh reſpectively, that the Goods are really and truly the Produce of ſuch British Plantation or Colony, and that no Fraud was intended, it ſhall and may in ſuch Caſe be lawful for the ſaid reſpective Commiſſioners to permit the ſaid Goods to be entered, upon Payment of the like Duties as ſuch Goods would be liable to if this Law had not been made.

And whereas by an Act of Parliament made in the 12th Year of the Reign of King Charles the Second, intituled, *An Act for encouraging and increaſing Shipping and Navigation*, and ſeveral ſubſequent Acts of Parliament which are now in Force, it is, amongſt other Things, directed, that for every Ship or Veſſel that ſhall load any Commodities in thoſe Acts particularly enumerated, at any British Plantation, being the Growth, Product or Manufacture thereof, Bonds ſhall be given with one Sruety, to the Value of 1000 l. if the Ship be of leſs Burthen than 100 Tons, and of the Sum of 2000 l. if the Ship be of greater Burthen, that the ſame Commodities ſhall be brought by ſuch Ship or Veſſel to ſome other British Plantation, or to ſome Port in Great-Britain; notwithſtanding which, there is great Reaſon to apprehend ſuch Goods are frequently carried to foreign Parts, and landed there: And whereas great Quantities of foreign Molaſſes and Syrrups are clandeſtinely run on Shore in the British Colonies, to the Prejudice of the Revenue, and the great Detriment of the Trade of this Kingdom, and its American Plantations: To remedy which Practices for the Future, be it further enacted by the Authority aforeſaid, That from and after the 29th Day of September, 1764, Bond and Security, in the like Penalty, ſhall alſo be given to the Collector or other principal Officer of the Cuſtoms at any Port or Place in any of the British American Colonies or Plantations, with one Surety, beſides the Maſter of every Ship or Veſſel that ſhall lade or take on board any Goods not particularly enumerated in the ſaid Acts, being the Product or Manufacture of any of the ſaid Colonies or Plantations, with Condition, that, in Caſe any Molaſſes or Syrrups, being the Produce of any of the Plantations not under the Dominion of his Majeſty, his Heirs or Succeſſors, ſhall be laden on board ſuch Ship or Veſſel, the ſame ſhall (the Dangers of the Seas and Enemies excepted) be brought, without Fraud or willful Dimunition, by the ſaid Ship or Veſſel, to ſome of his Majeſty's Colonies or Plantations in America, or to ſome Port in Great-Britain; and that the Maſter, or other Perſon having the Charge of ſuch Ship or Veſſel, ſhall, immediately upon his Arrival at every Port or Place in Great-Britain, or in the British American Colonies and Plantations, make a juſt and true Report of all the Goods laden on board any ſuch Ship or Veſſel, under their true and proper Denominations; and if any ſuch Non-enumerated Goods ſhall be laden on board any ſuch Ship or Veſſel before ſuch Bond ſhall be given, the Goods ſo laden, together with the Ship or Veſſel and her Furniture, ſhall be forfeited, and ſhall and may be ſeized by any Officer of the Cuſtoms, and proſecuted in the Manner herein after directed.

And it is hereby further enacted by the Authority aforeſaid, That every Maſter or Perſon having the Charge of any Ship or Veſſel, ſhall, before he departs from any British Colony or Plantation where he receives his Lading, take a Certificate under the Hands and Seals of the Collector or other principal Officer of the Cuſtoms there, (which Certificate ſuch Officers are hereby required to grant without Fee or Reward) that Bond hath been given, purſuant to the Directions of this or any other Act of Parliament, as the Caſe ſhall require; and the Maſter or Perſon having the Charge of ſuch Ship or Veſſel, ſhall keep ſuch Certificate in his Cuſtody till the Voyage is compleated, and ſhall then deliver the ſame to the Collector or other chief Officer of the Cuſtoms at the Port or Place where he ſhall diſcharge his Lading, either in Great Britain or any Britiſh American Colony or Plantation, on Forfeiture of One Hundred Pounds for each and every Offence.

And it is hereby further enacted, That if any

any Britiſh Ship or Veſſel laden as aforeſaid, with Goods of the Produce or Manufacture of any Britiſh Colony or Plantation in America, or having on board any Molaſſes or Syrrups, the Produce of any foreign Colony or Plantation, ſhall be diſcovered by any Officer of his Majeſty's Cuſtoms within two Leagues of the Shore of any Britiſh Colony or Plantation in America, and the Maſter or Perſon taking Charge of ſuch Ship or Veſſel ſhall not produce a Certificate that Bond has been given, purſuant to the Directions of this or any other Act of Parliament, as the Caſe may require; or if he ſhall not produce ſuch Certificate to the Collector or other chief Officer of the Cuſtoms wherein he ſhall arrive, either in Great-Britain or any Britiſh American Colony or Plantation, ſuch Ship or Veſſel, with her Tackle, Apparel and Furniture, and all the Goods therein laden, ſhall be forfeited, and ſhall and may be ſeized and proſecuted as herein after is directed.

And it is hereby further enacted by the Authority aforeſaid, That the ſaid Bond directed to be given by this Act, with reſpect to ſuch non-enumerated Goods, ſhall continue in Force for one Year from and after the Completion of the Voyage, and in Caſe no Fraud ſhall appear within that Time, it ſhall be lawful for the Commiſſioners of his Majeſty's Cuſtoms, or any four or more of them, to direct the ſaid Bond to be delivered up.

And it is hereby enacted by the Authority aforeſaid, That from and after the 29th Day of September, 1764, all Coffee, Pimento, Cocoa Nuts, Whale Fins, Raw Silk, Hides and Skins, Pot and Pearl Aſhes, of the Growth, Production or Manufacture of any Britiſh Colony or Plantation in America, ſhall be imported directly from thence into this Kingdom, or ſome other Britiſh Colony or Plantation, under the like Securities, Penalties and Forfeitures, as are particularly mentioned in two Acts of Parliament made in the 12th and 25th Years of the Reign of King Charles the Second, the former, intituled, *An Act for the encouraging and increaſing of Shipping and Navigation*, and the latter intituled, *An Act for the Encouragement of the Greenland and Eaſtland Trades, and for the better ſecuring the Plantation Trade*, or either of them, with reſpect to the Goods in thoſe Acts particularly enumerated; any Law, Cuſtom or Uſage to the Contrary, notwithſtanding.

And it is hereby enacted by the Authority aforeſaid, That from and after the 29th Day of September, 1764, no Iron, nor any Sort of Wood, commonly called Lumber, as ſpecified in an Act paſſed in the 8th Year of the Reign of King George the Firſt, intituled, *An Act for giving further Encouragement for the Importation of Naval Stores, and for other Purpoſes therein mentioned*, of the Growth, Production or Manufacture of any Britiſh Colony or Plantation in America, ſhall be there loaded on board any Ship or Veſſel to be carried from thence, until ſufficient Bond ſhall be given, with one Surety beſides the Maſter of the Veſſel, to the Collector or other principal Officer of the Cuſtoms at the Loading Port, in a Penalty of double the Value of the Goods, with Condition, that the ſaid Goods ſhall not be landed in any Part of Europe except Great-Britain; which Bonds ſhall be diſcharged in the Manner hereafter mentioned; That is to ſay, For ſuch of the ſaid Goods as ſhall be entered for, or landed in, Great-Britain, the Condition of the Bonds ſhall be, to bring a Certificate in Diſcharge thereof within Eighteen Months from the Date of the Bond; and within Six Months for ſuch of the ſaid Goods as ſhall be entered for, or landed in, any of the British Colonies or Plantations in America; which reſpective Certificates ſhall be under the Hands and Seals of the Collector or other principal Officer of the Cuſtoms reſident at the Port or Place where ſuch Goods ſhall be landed, teſtifying the Landing thereof; and for ſuch of the ſaid Goods as ſhall be entered for, or landed at, any other Place in America, Africa, or Aſia, to bring the like Certificate within Twelve Months, under the common Seal of the chief Magiſtrate, or under the Hands and Seals of two known British Merchants reſiding there; or ſuch Bond or Bonds ſhall be diſcharged, in either of the ſaid Caſes, by Proof upon Oath made by credible Perſons, that the ſaid Goods were taken by Enemies, or periſhed in the Seas.

And, for the better preventing Frauds in the Importation or Exportation of Goods that are liable to the Payment of Duties, or are prohibited in the British Colonies and Plantations in America, it is further enacted by the Authority aforeſaid, That from and after the 29th Day of September, 1764, no Goods, Wares, or Merchandizes, of any Kind whatſoever, ſhall be ſhipped or laden on board any

Ship

Ship or Veſſel in any of the Britiſh Colonies or Plantations in America, to be carried from thence to any other Britiſh Colony or Plantation, without a Sufferance or Warrant firſt had and obtained from the Collector or other principal Officer of the Cuſtoms at the Port or Place where ſuch Goods ſhall be intended to be put on board; and the Maſter of every ſuch Ship or Veſſel ſhall, before the ſame be removed or carried out from the Port or Place where he takes in his Lading, take out a Cocket or Cockets expreſſing the Quantity and Quality of the Goods, and Marks of the Package, ſo laden, with the Merchants Names, by whom ſhipped, and to whom conſigned; and if they are Goods that are liable to the Payment of any Duty, either upon the Importation into, or upon the Exportation from the ſaid Colonies or Plantations, the ſaid Cocket or Cockets ſhall likewiſe diſtinctly ſpecify that the Duties have been paid for the ſame, referring to the Times or Dates of Entry and Payment of ſuch Duties, and by whom they were paid; which Cocket or Cockets ſhall be produced by the Maſter of ſuch Ship or Veſſel, to the Collector or other principal Officer of the Cuſtoms at the Port or Place where ſuch Ship or Veſſel ſhall arrive in any of the Britiſh Colonies or Plantations in America, before any Part of the Goods are unladen or put on Shore: And if any Goods or Merchandizes ſhall be ſhipped as aforeſaid, without ſuch Sufferance, or the Veſſel ſhall depart and proceed on her Voyage without ſuch Cocket or Cockets, or the Goods ſhall be landed or put on Shore before ſuch Cocket or Cockets are produced at the Port or Place of Diſcharge, or if the Goods do not agree in all Reſpects therewith, the Goods, in any or either of thoſe Caſes, ſhall be forfeited and loſt; and any Officer of his Majeſty's Cuſtoms is hereby impowered to ſtop any ſuch Ship or Veſſel, bound as aforeſaid, which ſhall be diſcovered within two Leagues of the Shore of any of the ſaid Britiſh Colonies or Plantations in America, and to ſeize and take from thence all the Goods which ſhall be found on board ſuch Ship or Veſſel for which no ſuch Cocket or Cockets ſhall be produced to him.

And whereas Britiſh Veſſels arriving from foreign Parts at ſeveral of the out Ports of this Kingdom, fully or in Part laden abroad with Goods that are pretended to be deſtined to ſome foreign Plantation, do frequently take on board ſome ſmall Parcels of Goods in this Kingdom, which are entered outwards for ſome Britiſh Colony or Plantation, and a Cocket and Clearance thereupon granted for ſuch Goods, under Cover of which the whole Cargoes of ſuch Veſſels are clandeſtinely landed in the Britiſh American Dominions, contrary to ſeveral Acts of Parliament now in Force, to the great Prejudice of the Trade and Revenue of this Kingdom; for Remedy whereof, be it enacted by the Authority aforeſaid, That from and after the Firſt Day of May, 1764, no Ship or Veſſel ſhall, upon any Pretence whatſoever, be cleared outwards from any Port of this Kingdom, for any Land, Iſland, Plantation, Colony, Territory, or Place, to his Majeſty belonging, or which ſhall hereafter belong unto or be in the Poſſeſſion or under the Dominion of his Majeſty, his Heirs or Succeſſors, in America, unleſs the whole and entire Cargo of ſuch Ship or Veſſel ſhall be, bona fide, and without Fraud, laden and ſhipped in this Kingdom; and any Officer of his Majeſty's Cuſtoms is hereby impowered to ſtop any Britiſh Ship or Veſſel arriving from any Part of Europe, which ſhall be diſcovered within two Leagues of the Shore of any of the ſaid Britiſh Colonies or Plantations in America, and to ſeize and take from thence, as aforeſaid, any Goods (except as herein after mentioned) for which the Maſter or other Perſon taking the Charge of ſuch Ship or Veſſel, ſhall not produce a Cocket or Clearance from the Collector or proper Officer of his Majeſty's Cuſtoms, certifying that the ſaid Goods were laden on board the ſaid Ship or Veſſel in ſome Port of Great-Britain.

Provided always, That this Act ſhall not extend, nor be conſtrued to extend, to forfeit for Want of ſuch Cocket or Clearance, any Salt laden in Europe for the Fiſheries in New-England, Newfoundland, Pennſylvania, New-York, and Nova-Scotia, or any other Place to which Salt is or ſhall be allowed by Law to be carried; Wines laden in the Madeiras, of the Growth thereof; and Wines of the Growth of the Weſtern Iſlands, or Azores, and laden there; nor any Horſes, Victuals, or Linen Cloth, of and from Ireland, which may be laden on board ſuch Ship or Veſſel.

And it is further enacted, That if any Perſon or Perſons ſhall counterfeit, raſe, alter, or falſify, any Affidavit, Certificate, Sufferance, Cocket, or Clearance, required or directed

rected by this Act, or shall knowingly or willingly make Use of any Affidavit, Certificate, Sufferance, Cocket, or Clearance, so counterfeited, rased, altered, or falsified, such Person or Persons shall, for every such Offence, forfeit the Sum of 500 l. and such Affidavit, Certificate, Sufferance, Cocket, or Clearance, shall be invalid and of no Effect.

And whereas by an Act of Parliament made in the 9th Year of the Reign of his late Majesty King George the Second, intituled, *An Act for indemnifying Persons who have been guilty of Offences against the Laws made for securing the Revenue of Customs and Excise, and for inforcing those Laws for the future*, and by other Acts of Parliament since made, which are now in Force, in order to prevent the clandestine Landing of Goods in this Kingdom, from Vessels which hover upon the Coasts thereof, several Goods and Vessels, in those Laws particularly mentioned and described, are declared to be forfeited, if such Vessels are found at Anchor, or hovering within two Leagues of the Shore of this Kingdom, without being compelled thereto by Necessity or Distress of Weather; which Laws have been found very beneficial to the public Revenue: And whereas, if some Provision of that Sort was extended to his Majesty's American Dominions, it may be a Means of preventing an illicit Trade therewith, and tend to inforce an Act made in the 12th Year of the Reign of King Charles the Second, intituled, *An Act for the encouraging and increasing of Shipping and Navigation*, and another Act made in the 7th and 8th Years of the Reign of King William the Third, intituled, *An Act for preventing Frauds and regulating Abuses in the Plantation Trade*, so far as those Laws do prohibit any Goods or Commodities to be imported into, or exported out of, any British Colony or Plantation in America, in any foreign Ship or Vessel; to which End therefore, Be it enacted by the Authority aforesaid, That from and after the 29th Day of September, 1764, if any foreign Ship or Vessel whatsoever, shall be found at Anchor, or hovering within two Leagues of the Shore of any Land, Island, Plantation, Colony, Territory, or Place, which shall or may be in the Possession or under the Dominion of his Majesty, his Heirs or Successors, in America, and shall not depart from the Coast, and proceed upon her Voyage to some foreign Port or Place, within 48 Hours after the Master or other Person taking Charge of such Ship or Vessel, shall be required so to do by any Officer of his Majesty's Customs, unless in Case of unavoidable Necessity and Distress of Weather, such Ship or Vessel, with all the Goods therein laden, shall be forfeited and lost, whether Bulk shall be broken or not; and shall and may be seized and prosecuted by any Officer of his Majesty's Customs, in such Manner and Form as herein after is expressed.

Provided always, That nothing herein contained shall extend, or be construed to extend, to any Ship or Vessel belonging to the Subjects of the French King, which shall be found fishing, and not carrying on any illicit Trade, on that Part of the Island of Newfoundland which stretches from the Place called Cape Bonavista to the Northern Point of the said Island, and from thence running down to the Western Side, reaches as far as the Place called Point Riche.

And, in order to prevent any illicit Trade or Commerce between his Majesty's Subjects in America, and the Subjects of the Crown of France in the Islands Saint Pierre and Miquelon, it is hereby further enacted by the Authority aforesaid, That from and after the 29th Day of September, 1764, if any British Ship or Vessel shall be found standing into, or coming out from, either of those Islands, or hovering or at an Anchor within two Leagues of the Coasts thereof, or shall be discovered to have taken any Goods or Merchandize on board at either of them, or to have been there for that Purpose, such Ship or Vessel, and all the Goods so taken on board there, shall be forfeited and lost, and shall and may be seized and prosecuted by any Officer of his Majesty's Customs, and the Master or other Person having the Charge of such Ship or Vessel, and every Person concerned in taking any such Goods on board, shall forfeit treble the Value thereof.

And, to prevent the concealing any Goods in false Packages, or private Places, on board any Ship or Vessel arriving at any of the British Colonies or Plantations in America, with Intent to their being clandestinely landed there, Be it further enacted by the Authority aforesaid, That from and after the 29th Day of September, 1764, all Goods which shall be found concealed in any Place whatsoever on board any such Ship or Vessel, at any Time after the Master thereof shall have made his

Report

Report to the Collector or other Principal Officer of the Cuſtoms, and which ſhall not be comprized or mentioned in the ſaid Report, ſhall be forfeited and loſt, and ſhall and may be ſeized and proſecuted by any Officer of the Cuſtoms; and the Maſter or other Perſon having the Charge or Command of ſuch Ship or Veſſel (in Caſe it can be made appear that he was any wiſe conſenting or privy to ſuch Fraud or Concealment) ſhall forfeit treble the Value of the Goods ſo found.

And it is hereby further enacted by the Authority aforeſaid, That from and after the 29th Day of September, 1764, if any Goods or Merchandizes whatſoever, liable to the Payment of Duties in any Britiſh Colony or Plantation in America, by this or any other Act of Parliament, ſhall be loaden on board any Ship or Veſſel outward bound, or ſhall be unſhipped or landed from any Ship or Veſſel inward bound, before the reſpective Duties due thereon are paid, agreeable to Law; or if any prohibited Goods whatſoever ſhall be imported into, or exported out of, any of the ſaid Colonies or Plantations, contrary to the true Intent and Meaning of this or any other Act of Parliament; every Perſon who ſhall be aſſiſting, or otherwiſe concerned, either in the loading outwards, or in the unſhipping or landing inwards, ſuch Goods, or to whoſe Hands the ſame ſhall knowingly come after the loading or unſhipping thereof, ſhall, for each and every Offence, forfeit treble the Value of ſuch Goods, to be eſtimated and computed according to the beſt Price that each reſpective Commodity bears at the Place where ſuch Offence was committed; and all the Boats, Horſes, Cattle, and other Carriages whatſoever, made Uſe of in the loading, landing, removing, Carriage, or Conveyance, of any of the aforeſaid Goods, ſhall alſo be forfeited and loſt, and ſhall and may be ſeized and proſecuted by any Officer of his Majeſty's Cuſtoms, as herein after mentioned.

And it is hereby further enacted by the Authority aforeſaid, That from and after the 29th Day of September, 1764, if any Officer of his Majeſty's Cuſtoms ſhall, directly or indirectly, take or receive any Bribe, Recompence or Reward, in any Kind whatſoever; or connive at any falſe Entry, or make any colluſive Seiſure or Agreement; or do any other Act or Deed whatſoever by which his Majeſty, his Heirs or Succeſſors, ſhall or may be defrauded in his or their Duties, or whereby any Goods prohibited ſhall be ſuffered to paſs either inwards or outwards, or whereby the Forfeitures and Penalties inflicted by this or any other Act of Parliament relating to his Majeſty's Cuſtoms in America may be evaded; every ſuch Officer therein offending, ſhall, for each and every Offence, forfeit the Sum of 500 l. and be rendered incapable of ſerving his Majeſty in any Office or Employment Civil or Military: And if any Perſon or Perſons whatſoever ſhall give, offer, or promiſe to give, any Bribe, Recompence, or Reward, to any Officer of the Cuſtoms, to do, conceal, or connive at, any Act, whereby any of the Proviſions made by this or any other Act of Parliament relating to his Majeſty's Cuſtoms in America may be evaded or broken, every ſuch Perſon or Perſons ſhall, for each and every ſuch Offence, (whether the ſame Offer, Propoſal, or Promiſe, be accepted or performed, or not) the Sum of Fifty Pounds.

And whereas by an Act of Parliament made in the 7th and 8th Years of the Reign of King William the Third, intituled, *An Act for preventing Frauds, and regulating Abuſes, in the Plantation Trade*, all Governors or Commanders in Chief of any of his Majeſty's Colonies or Plantations, are required to take a ſolemn Oath, to do their Utmoſt that all the Clauſes, Matters and Things, contained in that Act, and ſeveral other Acts of Parliament therein referred to, relating to the ſaid Colonies, be punctually and bona fide obſerved, according to the true Intent and Meaning thereof: And whereas divers other good Laws have been ſince made, for the better regulating and ſecuring the Plantation Trade; Be it further enacted by the Authority aforeſaid, That all the preſent Governors or Commanders in Chief of any Britiſh Colony or Plantation ſhall, before the 29th Day of September, 1764, and all who ſhall hereafter be made Governors or Commanders in Chief of the ſaid Colonies or Plantations, or any of them, before their Entrance into their Government, ſhall take a ſolemn Oath, to do their Utmoſt, that all the Clauſes, Matters and Things, contained in any Act of Parliament heretofore made, and now in Force, relating to the ſaid Colonies or Plantations, and that all and every the Clauſes contained in this preſent Act, be punctually and bona fide obſerved, according to the true Intent and Meaning thereof, ſo far as appertains unto the ſaid Governors or Commanders in Chief reſpectively, under the like Penalties, Forfeitures and Diſabilities, either for neglecting to take the ſaid Oath, or for willingly neglecting to do their Duty accordingly, as are mentioned and expreſſed in the ſaid recited Act made in the 7th and 8th Years of the Reign of King William the Third; and the ſaid Oath hereby required to be taken, ſhall be adminiſtered by ſuch Perſon or Perſons as hath, or have been, or ſhall be, appointed to adminiſter the Oath required to be taken by the ſaid Act made in the 7th and 8th Years of the Reign of King William the Third.

And be it further enacted by the Authority aforeſaid, That all Penalties and Forfeitures herein before mentioned, which ſhall be incurred in Great-Britain, ſhall and may be proſecuted, ſued for, and recovered, in any of his Majeſty's Courts of Record at Weſtminſter, or in the Court of Exchequer in Scotland, reſpectively; and all neceſſary Charges

ges for the Recovery thereof being firſt deducted) ſhall be divided and applied, one Moiety to and for the Uſe of his Majeſty, his Heirs and Succeſſors, and the other Moiety to the Seizor or Proſecutor.

And it is hereby further enacted and declared, That from and after the 29th Day of September, 1764, all Sums of Money granted and impoſed by this Act, and by an Act made in the 25th Year of the Reign of King Charles the Second, intituled, *An Act for the Encouragement of the Greenland and Eaſtland Trades, and for the better ſecuring the Plantation Trade*, as Rates or Duties; and alſo all Sums of Money impoſed as Penalties or Forfeitures by this or any other Act of Parliament relating to the Cuſtoms, which ſhall be paid, incurred, or recovered, in any of the Britiſh Colonies or Plantations in America; ſhall be deemed, and are hereby declared to be Sterling Money of Great-Britain, and ſhall be collected, recovered and paid, to the Amount of the Value which ſuch Nominal Sums bear in Great Britain; and that ſuch Monies ſhall and may be received and taken according to the Proportion of Five Shillings and Six Pence the Ounce in Silver; and that all the Forfeitures and Penalties inflicted by this or any other Act or Acts of Parliament relating to the Trade and Revenues of the ſaid Britiſh Colonies or Plantations in America, which ſhall be incurred there, ſhall and may be proſecuted, ſued for, and recovered, in any Court of Record, or in any Court of Admiralty, in the ſaid Colonies or Plantations where ſuch Offence ſhall be committed, or in any Court of Vice Admiralty which may or ſhall be appointed over all America, (which Court of Admiralty or Vice Admiralty are hereby reſpectively authorized and required to proceed, hear, and determine the ſame) at the Election of the Informer or Proſecutor.

And it is hereby further enacted, That all Penalties and Forfeitures ſo recovered there, under this or any former Act of Parliament, ſhall be divided, paid, and applied, as follows; That is to ſay, After deducting the Charges of Proſecution from the Groſs Produce thereof, one third Part of the Neat Produce ſhall be paid into the Hands of the Collector of his Majeſty's Cuſtoms at the Port or Place where ſuch Penalties and Forfeitures ſhall be recovered, for the Uſe of his Majeſty, his Heirs and Succeſſors; one third Part to the Governor or Commander in Chief of the ſaid Colony or Plantation; and the other third Part to the Perſon who ſhall ſeize, inform, and ſue for the ſame; excepting ſuch Seizures as ſhall be made at Sea by the Commanders or Officers of his Majeſty's Ships or Veſſels of War duly authorized to make Seizures; one Moiety of which Seizures, and of the Penalties and Forfeitures recovered thereon, firſt deducting the Charges of Proſecution from the Groſs Produce thereof, ſhall be paid as aforeſaid to the Collector of his Majeſty's Cuſtoms, to and for the Uſe of his Majeſty, his Heirs and Succeſſors, and the other Moiety to him or them who ſhall ſeize, inform and ſue for the ſame; any Law, Cuſtom, or Uſage to the Contrary notwithſtanding; ſubject nevertheleſs to ſuch Diſtribution of the Produce of the Seizures ſo made at Sea, as well with Regard to the Moiety herein before granted to his Majeſty, his Heirs and Succeſſors, as with Regard to the other Moiety given to the Seizor or Proſecutor, as his Majeſty, his Heirs and Succeſſors ſhall think fit to order and direct by any Order or Orders of Council, or by any Proclamation or Proclamations to be made for that Purpoſe.

Provided always, and it is hereby further enacted by the Authority aforeſaid, That if the Produce of any Seizure made in America, ſhall not be ſufficient to anſwer the Expences of Condemnation and Sale; or if, upon the Trial of any Seizure of any Ship or Goods, a Verdict or Sentence ſhall be given for the Claimant, in either of thoſe Caſes the Charges attending the ſeizing and proſecuting ſuch Ship or Goods ſhall and may, with the Conſent and Approbation of any four of the Commiſſioners of his Majeſty's Cuſtoms, be paid out of any Branch of the Revenue of Cuſtoms ariſing in any of the Britiſh Colonies or Plantations in America; any Thing in this or any other Act of Parliament to the Contrary, notwithſtanding.

And it is hereby further enacted by the Authority aforeſaid, That from and after the 29th Day of September, 1764, no Perſon ſhall be admitted to enter a Claim to any Ship or Goods ſeized in Purſuance to this or any other Act of Parliament, and proſecuted in any of the Britiſh Colonies or Plantations in America, until ſufficient Security be firſt given, by Perſons of known Ability, in the Court where ſuch Seizure is proſecuted, in the Penalty of 300 l. to anſwer the Coſts and Charges of Proſecution; and, in Default of giving ſuch Security, ſuch Ship or Goods ſhall be judged to be forfeited, and ſhall be condemned.

And it is hereby further enacted by the Authority aforeſaid, That from and after the 29th Day of September, 1764, if any Ship or Goods ſhall be ſeized for any Cauſe of Forfeiture, and any Diſpute ſhall ariſe whether the Cuſtoms and Duties of ſuch Goods have been paid, or the ſame have been lawfully imported or exported, or concerning the Growth, Product or Manufacture of ſuch Goods, or the Place from whence ſuch Goods were brought, then, and in ſuch Caſes, the Proof thereof ſhall lie upon the Owner or Claimer of ſuch Ship or Goods, and not upon the Officer who ſhall ſeize or ſtop the ſame; any Law, Cuſtom, or Uſage to the contrary, notwithſtanding.

And be it further enacted by the Authority aforeſaid, That from and after the 29th Day of September, 1764, in caſe any Information ſhall be commenced and brought to Trial in America, on Account of any Seizure of any Ship or Goods as forfeited by this or any other Act of Parliament relating

relating to his Majeſty's Cuſtoms, wherein a Verdict or Sentence ſhall be given for the Claimer thereof; and it ſhall appear to the Judge or Court before whom the ſame ſhall be tried, that there was a probable Cauſe of Seizure, the Judge or Court before whom the ſame ſhall be tried, ſhall certify on the Record or other Proceedings, that there was a probable Cauſe for the Proſecutor's ſeizing the ſaid Ship or Goods; and, in ſuch Caſe, the Defendant ſhall not be intitled to any Coſts of Suit whatſoever; nor ſhall the Perſon who ſeized the ſaid Ship or Goods, be liable to any Action, or other Suit of Proſecution, on Account of ſuch Seizure: And in Caſe any Action, or other Suit of Proſecution, ſhall be commenced and brought to Trial againſt any Perſon or Perſons whatſoever, on Account of the ſeizing any ſuch Ship or Goods, where no Information ſhall be commenced or brought to Trial to condemn the ſame, and a Verdict or Sentence ſhall be given upon ſuch Action or Proſecution againſt the Defendant or Defendants, if the Court or Judge before whom ſuch Action or Proſecution ſhall be tried, ſhall certify in like Manner as aforeſaid, that there was a probable Cauſe for ſuch Seizure, then the Plaintiff, beſides his Ship or Goods ſo ſeized, or the Value thereof, ſhall not be intitled to above Two Pence Damages, nor any Coſts of Suit; nor ſhall the Defendant in ſuch Proſecution be fined above One Shilling.

And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced, either in Great-Britain or America, againſt any Perſon or Perſons for any Thing done in Purſuance of this or any other Act of Parliament relating to his Majeſty's Cuſtoms, the Defendant or Defendants in ſuch Action or Suit, may plead the general Iſſue, and give the ſaid Acts, and the ſpecial Matter, in Evidence at any Trial to be had thereupon, and that the ſame was done in Purſuance and by the Authority of ſuch Act; and if it ſhall appear ſo to have been done, the Jury ſhall find for the Defendant or Defendants; and if the Plaintiff ſhall be non-ſuited, or diſcontinue his Action after the Defendant or Defendant, ſhall have appeared, or if Judgment ſhall be given upon any Verdict or Demurrer againſt the Plaintiff, the Defendant or Defendants ſhall recover treble Coſts, and have the like Remedy for the ſame as Defendants have in other Caſes by Law.

NEWBERN, Auguſt 10, 1764.

We hear from Cape-Fear, that a Lieutenant-Governor of this Province is appointed at Home, one Col. *Tryon*, an Officer in the Guards; and that he is expected out immediately. 'Tis alſo ſaid, that his Excellency the Governor goes home in March next. The good People of Wilmington, ever intent on the Good of the Province, and always foremoſt in every Scheme for its Welfare and internal Quietude, immediately upon this News, engaged a large Houſe in Wilmington for the Reception and Accommodation of the Governor on his Arrival in the Province, upon a Certainty that he will ſettle among them there. But the People of Newbern, having, for their Diſobedience, drank largely of the Cup of Affliction, and intirely depending on the Goodneſs of their Cauſe, have engaged a large genteel Houſe in Newbern, for the Governor's Reſidence; upon a Suppoſition he will ſettle rather in the Centre of the Province, than at Cape-Fear, a Place within Fifty Miles of the South Boundary of a Province almoſt 300 Miles wide, and the Paſſage to it gloomy and diſmal, through hot parching Sands, enliven'd now and then with a few Wire-Graſs Ridges, and Ponds of ſtagnant Water: And where, on your Arrival, not as Dr. *Watts* ſays,

Sweet Fields, beyond the ſwelling Flood,
Stand dreſt in living Green;
So to the Jews *old* Canaan *ſtood,*
While Jordan *roll'd between;*

But as the Paſſage, ſo the Entrance, diſmal;---- a Turkey 15s. a Fowl 2s. 8d. a Gooſe 10s. Butter 2s. 8d. and ſo *pro Rata* for every Thing elſe.---- Terrible Horribility!

†§† The great Length of the Act of Parliament, has prevented our inſerting any News this Week, which we hope our Readers will excuſe.

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